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DISTRICT COURT OF GUAM

MAR 12 2007 NBC

MARY L.M. MORAN
CLERK OF COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE TERRITORY OF GUAM

11 FLORENCIA Q. LEWIS) CIVIL CASE NO. 05-00026

12 Plaintiff,)

13 vs.)

MOTION FOR EXTENSION OF
TIME AND STATUS REPORT

14 UNITED STATES OF AMERICA,)

15 Defendant.)

16
17 The United States hereby requests an extension of time of 45 days to complete their
18 discovery of expert witnesses and prepare the case for presentation at Trial before the Court.

19
20 The parties have located and completed the discovery of witnesses at locations
21 throughout the United States. The discovery has run over the time limits set by the parties due
22 to the fact that most of the witnesses are not located on Guam and have been transferred or
23 deployed to new locations and commands. The witnesses have been medical professionals with
24 difficult schedules and have often required time to review the records before testifying under
25 oath. The process has been time consuming but has worked well.

26
27 The United States recently received the Plaintiff's Disclosures of Expert Testimony. The
28 United States awaits Plaintiff's Report of Expert Witnesses. The United States will then forward

1 the Report to its Experts and ask for a report for presentation to the Plaintiff.

This case is presently at the "final 3" stage of discovery. The last depositions necessary are the Plaintiff's expert, the Defendant's Experts and the Plaintiff.¹ The parties are coordinating those depositions and expect to have the case ready for trial after the 45 days.

6 The United States would also request of the Court that a date certain be set for trial so that
7 travel for witnesses can be reserved and purchased.

9 The following depositions are being scheduled:

- | | | |
|----|----|--------------------------------|
| 10 | 1. | Mark. H. Miller, M.D. |
| 11 | 2. | Richard James van Allan, M.D |
| 12 | 3. | Jerone Landstrom, M.D. |
| 13 | 4. | Darren B. Schneider, M.D. FACS |
| 14 | 5. | David W. Williams, M.D. |
| 15 | 6. | Florencia O. Lewis |

17 The prospects for Settlement are sparse, however, the parties would like to meet with the
18 Magistrate at the end of the 45 days to discuss settlement.

20 The parties have worked diligently to locate witnesses and prepare evidence for
21 presentation to the Court at Trial. The 45 day extension requested will benefit the parties and
22 the Court in allowing for the complete presentation of all the evidence. The extension will serve

²⁴ ¹Note that this medical malpractice claim necessitates experts in both vascular surgery
²⁵ and neurology. The United States has two experts, one for each area of expertise, and the
²⁶
²⁷ Plaintiff has three.

1 the interests of Justice by facilitating a clear presentation of the issues that must be decided at
2 Trial.

3 Submitted this 12 day of March, 2007.
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5 LEONARDO M. RAPADAS
6 United States Attorney
7 Districts of Guam and the NMI

8 By:
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